

PRIVATE PROPERTY RIGHTS  
IMPLEMENTATION ACT OF 2000

SPEECH OF

**HON. DOC HASTINGS**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 16, 2000*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2372) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution:

Mr. HASTINGS of Washington. Mr. Chairman, I rise today in strong support of H.R. 2372, the "Private Property Rights Implementation Act of 2000." This commonsense legislation makes it easier for landowners that have had the use of their property taken by the Federal Government to get their day in court.

While the fifth amendment requires the Government to compensate citizens for the taking of their private property, these property owners have found it almost impossible to gain access to the Federal courts to pursue their claims. Quite simply, H.R. 2372 would provide a way out of the regulatory limbo that requires property owners to seek a "final" answer at the local level before pursuing this constitutional issue in Federal court. Contrary to claims that the bill would circumvent local authority, it outlines specific requirements that claimants must pursue before receiving action from the Federal courts. These include an appeal to the local planning commission, an application from the local zoning board, and an appeal to the local board of elected officials. Thus, the bill protects local authority while ensuring that justice is done in a timely manner.

Mr. Chairman, we in the Pacific Northwest are being inundated with new Federal requirements and restrictions relating to salmon and other species protected under the Endangered Species Act. The impacts of these new Federal actions on private property owners are only beginning to be felt, but promise to be significant. This legislation will ensure that the victims of Federal takings do not have to wait 10 years—the current average time it takes to get access to a Federal court—to seek just compensation. Private property owners in my district need to know that there is a clear and fair process in place for them to defend their fifth amendment rights. That is exactly what H.R. 2372 provides.

I commend the gentleman from Florida, Mr. CANADY, for bringing this legislation before the House and I urge my colleagues to support it.

EXTENSIONS OF REMARKS

GREATER PITTSBURGH FRIENDLY  
SONS OF ST. PATRICK HONOR  
WILLIAM MCFADDEN

**HON. PAUL E. KANJORSKI**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 21, 2000*

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to William P. McFadden. This year, the Greater Pittsburgh Friendly Sons of St. Patrick will honor Bill with the W. Francis Swingle Award at their annual St. Patrick's Day Banquet. I am pleased and proud to have been asked to participate in this event.

The Swingle Award is named in honor of Professor Frank Swingle, a noted and respected educator and orator, active in civic organizations locally. Bill McFadden will be the eleventh recipient of this prestigious award.

Mr. McFadden has had an exemplary career in nursing for more than thirty-two years. He specialized in industrial nursing at Bethlehem Steel, Lebanon, Pennsylvania, and also the Ford Motor Company, Chester, Pennsylvania, and San Jose, California. Administratively, Bill was Staff Nurse and Supervisor at Wilmington Veterans Administration Hospital, Director of Nursing at Fresno Community Hospital in California and a nursing home supervisor in New Jersey. Until his retirement in 1985, he served as Nursing Supervisor at East Orange Veterans Hospital, New Jersey.

Mr. Speaker, Mr. McFadden is a native son of Northeastern Pennsylvania, having been born and raised here. He attended St. John's High School in Pittston, went on to St. Joseph's School of Nursing in Philadelphia and received his degree in nursing from Villanova University in 1959. He served in the Navy Reserves from 1945 to 1947.

Mr. Speaker, I am proud to congratulate William McFadden on this prestigious award. I join with his wife Ann, family, and his many good friends in sending him my most sincere best wishes as he accepts this honor.

ROBERT MILLER, JR.: MAN OF  
THE YEAR

**HON. NICK SMITH**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 21, 2000*

Mr. SMITH of Michigan. Mr. Speaker, I honor today Robert B. Miller, Jr., of Battle Creek, Michigan, Scene Magazine's 1999 Man of the Year.

"Bob," as he likes to be called, is one of Battle Creek's best known citizens due in large measure to his legacy of personal and financial commitment to the greater Battle Creek community. Today, the community will show its appreciation and gratitude for Bob's many years of philanthropy and dedication, as they gather to pay tribute to him as the 1999 Man of the Year.

Robert Miller, Jr. is a naval veteran and graduate of Michigan State University, with degrees in marketing and English. He has spent most of his professional life in the print media, working for such newspapers as the Lansing

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State Journal, Idaho Statesman and the Daily Olympian, before making his mark on Battle Creek as publisher of the Battle Creek Enquirer and News, a position he inherited from his father, the late Robert Miller, Sr.

Robert Miller, Jr. epitomizes the word philanthropy. He has been as much involved in civic duties as he was in professional journalism. He's served as a trustee of the Miller Foundation and as a member of its Grants Review Committee, as well as being a member of the local Red Cross, United Way and numerous other boards and committees. Most recently, he can be found working on behalf of the Humane Society and as an advocate for Big Brothers/Big Sisters.

As a professional, Bob has led by example, blending strength, drive and determination with tremendous character, devotion and kindness. I admire Bob for his professional involvement and dedication to civil activities and service to the community. He exemplifies what it means to be a citizen, having set a standard of excellence which serves as an example for others in the community.

I commend Robert B. Miller, Jr. for his many years of hard work and tireless devotion in making his community a better place to live, work and raise a family. And I congratulate him on being named Scene Magazine's 1999 Man of the Year.

INDO-AMERICAN HI-TECH LINKS

**HON. JIM McDERMOTT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 21, 2000*

Mr. McDERMOTT. Mr. Speaker, we can all be justifiably proud of the fact that our nation is continuing its unparalleled record of economic growth. We can also be proud of the fact that our growth, which has benefited so many American citizens, rests in large measure on our hi-tech industries.

But how many of us recognize that our prosperity also rests in part on the intelligence, entrepreneurship and skills of many thousands of Indians, and Indo-Americans?

Let me provide my colleagues with some facts about how Indian trained software engineers, computer programmers and designers contribute to America's prosperity.

Indians own or run over 750 Silicon Valley firms that collectively employ over 16,000 people and have achieved over \$3.5 billion in sales.

Of the 115,000 visas given by the United States for skilled workers in 1999, 35,000 went to Indians.

The vast majority of India's \$4 billion in software sales last year went to American companies.

American firms like Hewlett-Packard, Microsoft, IBM and Oracle increasingly are looking to invest in India or purchase hi-tech products from India.

President Clinton recognizes the contributions India has made to America's economic growth. When he visits India later this month, he is expected to stop in the city of Hyderabad, one of the centers for India's growing hi-tech industry. His stop will dramatize India's rapid development as a cutting

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edge hi-tech nation and it is a confirmation that India and the United States have both greatly benefited from the business acumen of Indian entrepreneurs. It is also a recognition that our ties to India are far broader and far deeper than most observers believe.

Mr. Speaker, India is important to the United States. Our policies in that region should reflect this. That is why I am pleased to have had this opportunity to share the reason for being optimistic about the future of U.S.-Indian relations.

RETIREMENT TRIBUTE TO SYLVIA  
McLAUGHLIN

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in congratulating Sylvia McLaughlin on the occasion of her retirement after thirty-eight years of service to The Save San Francisco Bay Association and its Board of Directors, and recognizing her for her many years of dedicated public service.

In 1962 Sylvia McLaughlin was one of three founders of The Save San Francisco Bay Association, now called Save the Bay, which has worked for nearly four decades to protect and restore the Bay and Delta and to improve public access along its shoreline. The San Francisco Bay is one of the natural wonders of the world, where saltwater meets freshwater from the Sacramento and San Joaquin Rivers to form the largest estuarine system on the West Coast of North America. The Bay and Delta have suffered from 150 years of hydraulic mining, fresh water diversion, pollution, fill and shoreline development. For four decades Save the Bay has worked to reverse this trend, to keep the Bay alive and make it healthier. The Bay-Delta defines our region and contributes greatly to the San Francisco Bay's high quality of life, providing economic benefits as well as drinking water for more than two-thirds of California's population and irrigation for hundreds of crops.

Sylvia's work led to the creation of the Bay Conservation and Development Commission in 1965 and the adoption of the Bay Plan in 1969, inspiring several generations of grassroots conservationists. Sylvia has received international recognition for her efforts to protect and restore the San Francisco-Bay Delta and its shoreline—a rich web of natural life where hundreds of species of fish, birds, and other animals make their homes. Save the Bay is rededicating itself to a Century of Renewal as the year 2000 begins, restoring water quality, habitat, fisheries and public enjoyment of the Bay for generations to come.

Sylvia is retiring after thirty-eight years of service to Save the Bay and its Board of Directors. I know I speak for all the Members when I wish Sylvia McLaughlin a very happy and healthy retirement, and when I thank her for her unparalleled contributions to environmental protection and for her tireless efforts on behalf of the Bay and its residents.

EXTENSIONS OF REMARKS

INTERNATIONAL POPULATION  
ASSISTANCE

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. GEJDENSON. Mr. Speaker, soon we will be debating one of the most important foreign policy questions to come before the House this session—international population assistance.

This is a very important matter that will directly affect the quality of life of individuals and families around the world. It deserves careful attention by all Members. A recent issue of the magazine *Insight* included an article by Warner Fornos, the President of the Population Institute, that discusses this issue. The Population Institute is a nonprofit organization that seeks to bring the world's population into balance with our resource base and environment through equitable and voluntary means.

I believe the article by Mr. Fornos makes points that should be considered in the upcoming appropriations debates. As a result, I am including it in the *RECORD* for the benefit of all Members.

[From the *Insight* magazine, Jan. 31, 2000]

QUESTION: SHOULD POPULATION CONTROL BE A PRIORITY FOR THE THIRD WORLD?

YES: VANISHING FORESTS AND WIDESPREAD FAMINES ARE SIGNS OF CRISIS IN MANY NATIONS

(By Warner Fornos)

The term "population control" has an unfortunate and misleading connotation. "Control" seems to infer force and coercion, which I categorically oppose on moral and ethical grounds. My opposition goes beyond mere semantics. There are those who would have us believe that all population and family-planning programs are rooted in force and coercion; that simply is untrue. At least some of those who peddle that particular bill of goods are snake-oil salesmen who know better or should.

Fertility rates have declined during the last 40 years, from six children per woman to slightly less than three. Anyone who honestly thinks that this is the result of force and coercion simply does not understand human nature or the limitations on the ability of governments to make people do—or, perhaps in this case, not do—something against their will. The magnitude of the power that would have to be exercised to influence the most personal of decisions so successfully during the last four decades simply defies the imagination.

Voluntary family-planning information, education and services should be universally available and accessible. According to the United Nations, there are some 350 million couples throughout the world who lack access to, or the means to acquire, modern contraceptives. An estimated 120 million of those couples would use safe and effective family-planning methods immediately if they were available. The Population Institute strives for universal access to a variety of family-planning methods.

In the last year, world population surpassed the 6 billion mark. World population is growing annually by nearly 80 million.

There are a number of environmentalists who can produce voluminous scientific data to demonstrate that our planet already has

exceeded its sustainable limits. Just for starters, they point to such chilling statistics as the following: 1.3 billion people live in absolute poverty on the equivalent of one U.S. dollar or less per day, 1.5 billion people lack access to an adequate supply of clean water and 790 million people go to bed hungry every night.

There are those who say that poverty, hunger and water issues really are social, economic, technological and political problems—not population problems. Certainly politics, economics and technology all fit into the poverty/hunger/misery equation, but when you see abandoned children begging for a scrap of bread in the streets of Lagos, Nigeria, or Lahore, India, or Lima, Peru, can anyone deny that these are children whose parents were unable to care for them? And think back to the 350 million couples who are unable to regulate their own fertility because they lack access to, or the means to obtain, family-planning information, education and services.

Almost from the inception of the development of national family-planning programs some 40 to 45 years ago, the argument surfaced that there must first be economic stability before there can be a smaller-family-size norm. And, generally speaking, industrialized countries do tend to have fertility rates that are lower than those in less-developed countries.

I am a strong believer in the free-market system, though I have never been convinced that capitalism is the best contraceptive. But those who believe development must precede

Pronatalists seem to view the Earth through a peculiar prism that blocks out human activity as a factor in forests vanishing, water scarcity, topsoil erosion, desert expansion, unprecedented global climate change and diminishing finite resources.

There is, however, a preponderance of solid evidence to refute claims that population growth no longer is a significant issue. For example, while world population climbed by 75 percent in the 20th century, an estimated 75 percent of global forested area was lost—much of it for living space, farmland and firewood, which still is the leading source of cooking and heating fuel in the developing world. In addition:

Nearly half a billion people around the world face water shortages and, by 2025, the number is expected to grow to 2.8 billion—35 percent of the projected world population of 8 billion for that year.

The 15 warmest years on record have occurred during the last 21 years and all major scientific bodies acknowledge that climate change now is under way. According to the International Panel on Climate Change, a two-thirds reduction in global carbon-dioxide emissions would be required to avoid a doubling of atmospheric concentrations that may jeopardize food production, the Earth's biodiversity and entire ecosystems, as well as human health.

The U.S. Department of Agriculture notes that since the mid-20th century the world's population has soared by 132 percent, while the world's cropland has increased by only 19 percent.

Complications relating to pregnancy and childbirth are among the leading causes of mortality among reproductive-age women in many parts of the developing world. Nearly 600,000 women die each year of pregnancy-related causes—about one every minute—99 percent of them in developing countries.

An estimated 160 million children today are considered to be malnourished. A recent

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